

REMARKS

Claims 1, 2, 5-21 and 23-27 remain pending in the present application, and claim 19 has been amended to include the subject matter of claim 22.

Claim Rejections Under 35 U.S.C. 103(a)

Claims 1, 2, 5-15 and 18-25 are rejected on the basis that US 2003/0131355 (Berenson) in view of US 5,828,419 (Bruette) renders them obvious. Applicants respectfully disagree and submit that the Office Action does not present a prima facie case of obviousness because the combination of Berenson and Bruette neither teaches nor suggests each and every element of claims 1 and 19.

Relative to claim 1, although Applicants do agree with the Office Action-- in so far as the Office Action recognizes that Berenson fails to disclose "retrieving a list of restricted program indicators"-- Applicants disagree that Berenson teaches "generating a list of displayable program indicators" that does not include program indicators "in the list of restricted program indicators." Specifically, the recited "list of displayable program indicators" is generated so as to exclude "the list of restricted program indicators." Applicants submit that because Berenson does not teach "a list of restricted program indicators" it cannot exclude "the list of restricted program indicators" from the "displayable program indicators" as recited in independent claim 1.

Moreover, Applicants submit that the Office Action has not identified any portion within Bruette that teaches or suggests "generating a list of displayable program indicators" that excludes the program indicators "in the list of restricted program indicators." In particular, relative to claim 1, the only portion of Bruette the Office Action references is Col. 4, lines 57-60. Instead of teaching the generation of a list of

displayable program indicators that excludes program indicators “in the list of restricted program indicators,” this portion of Bruette actually teaches *including* any of Bruette’s restricted programs in their guide and generating a “lock” icon 50 for each restricted program. As a consequence, neither Bruette nor Berenson teach the recited “generating a list of displayable program indicators,” which excludes program indicators from “the list of restricted program indicators.”

In addition, the Office Action has not identified any disclosure in either Berenson or Bruette that teaches or suggests “displaying program indicators,” which do not include program indicators in the “list of restricted program indicators” as recited in claim 1. As previously discussed, the Office Action states that Berenson fails to disclose “retrieving a list of restricted program indicators,” as a consequence, Berenson simply can not disclose “displaying displayable program indicators” that do not include program indicators “in the list of restricted program indicators” as recited in claim 1.

Finally, Applicants submit Bruette actually teaches away from “displaying displayable program indicators” that do not include program indicators “in the list of restricted program indicators.” Specifically, Bruette teaches that is advantageous to display their restricted programs along with unrestricted programs (as depicted in FIGS. 2 and 3 of Bruette):

Most importantly, in the exemplary embodiment described above, the present invention allows the viewer to readily and easily identify if a program or channel has been restricted from viewing. As a result, the viewer has ready access to all available programs, and can modify the restricted list if he/she desires to view a restricted program.

(Bruette, Col. 5, lines 38-45).

As a consequence, Applicants submit that claim 1 is nonobvious in view of the combination of Berenson and Bruette and respectfully request a notice of allowability. In addition, Applicants submit dependent claims 2 and 5-18 are also nonobvious, at least, by virtue of their dependency from nonobvious claim 1.

With respect to independent claim 19, Applicants have amended claim 19 to include subject matter from claim 22. Specifically claim 19 now recites:

means for identifying a restricted program indicator, the restricted program indicator being selectable by the user, wherein the list of displayable program indicators does not include the restricted program indicator....

Applicants submit that amended independent claim 19 is also nonobvious for reasons similar to those reasons discussed relative to claim 1 and because neither Berenson nor Bruette suggests a “list of displayable program indicators” that does not include a “restricted program indicator” as recited in claim 19. In addition, Applicants submit claims 20, 21 and 23-27 are nonobvious, at least, by virtue of being dependent from nonobvious claim 19, and as a consequence, Applicants respectfully request a notice of allowability.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that no further impediments exist to the allowance of this application and, therefore, solicit an indication of allowability. However, the Examiner is requested to call the undersigned if any question or comments arise.

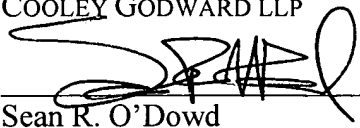
The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

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